

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT DeSHIELDS,)
Plaintiff,) Civil Action No. 2: 17-cv-0784
v.) United States Chief Judge
) Joy Flowers Conti
)
ROBERT GILMORE, MICHAEL ZAKEN,)
MARK DIALESANDRO,)
OFFICER ALBAN, REBEKAH)
FILITSKY, SHELLY MANKEY,)
S. LONGSTRETH, and MS. CONGELIO,)
All sued in their Individual and Official)
Capacity,)
)
Defendants.

ORDER

AND NOW, this 23rd day of July, 2018, it is hereby **ORDERED, ADJUDGED AND DECREED** that for the reasons set forth in the accompanying memorandum opinion, the report and recommendation (ECF No. 29) filed on March 19, 2018, by Magistrate Judge Eddy is adopted, as supplemented, as the opinion of the court.

It is further **ORDERED** the motion for judgment on the pleadings (ECF No. 17) will be **GRANTED**. Accordingly, all claims asserted against defendants in their respective official capacities are hereby **DISMISSED** with prejudice based on Eleventh Amendment immunity and all claims asserted against defendants Gilmore and Filitsky in their individual capacities are hereby **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that this matter is remanded back to the magistrate judge for all further pretrial proceedings.

BY THE COURT:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge

cc: ROBERT DESHIELDS
CW-5906
SCI Coal Twp
1 Kelly Drive
Coal Township, PA 17866
(via U.S. First Class Mail)

Scott A. Bradley
Office of the Attorney General
(via ECF electronic notification)